

Filed for intro on 02/15/2001
SENATE BILL 1898 By
Cooper J

HOUSE BILL 1935
By Cole (Dyer)

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 26; Title 56 and Title 68, Chapter 11, Part 2, relative to civil liability.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 26, is amended by adding the following language as a new, appropriately designated part:

§ 29-26-301. As used in this act:

- (1) "Assisted-care living facility" means any entity defined by § 68-11-201(4) and licensed by the state pursuant to § 68-11-202;
- (2) "Home for the aged" means any entity defined by § 68-11-201(13) and licensed by the state pursuant to § 68-11-202; and
- (3) "Nursing home" shall mean any entity defined by § 68-11-201(23) and licensed by the state pursuant to § 68-11-202.

§ 29-26-302. Notwithstanding any provision of law to the contrary, in any civil action in which it is found that the negligent acts or omissions of any officer, employee or agent of an assisted-care living facility caused harm to a resident of such facility, punitive

damages shall not be awarded and non-economic damages shall not exceed four hundred thousand dollars (\$400,000).

§ 29-26-303. Notwithstanding any provision of law to the contrary, in any civil action in which it is found that the negligent acts or omissions of any officer, employee or agent of a home for the aged caused harm to a resident of such home, punitive damages shall not be awarded and non-economic damages shall not exceed four hundred thousand dollars (\$400,000).

§ 29-26-304. Notwithstanding any provision of law to the contrary, in any civil action in which it is found that the negligent acts or omissions of any officer, employee or agent of a nursing home caused harm to a resident of such home, punitive damages shall not be awarded and non-economic damages shall not exceed four hundred thousand dollars (\$400,000).

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it, and shall apply to civil actions filed on or after such date.